

LAVIN, O'NEIL, RICCI, CEDRONE & DISIPIO		
ATTORNEYS AT LAW		
Direct Dial: (585) 647-5753 Facsimile (585) 647-5756	Lavin, O'Neil, Ricci, Cedrone & DiSipio One East Main Street Rochester, New York 14614	Bernadette Catalana, of Counsel Email: <a href="mailto:bcatalana@lavin-law.com">bcatalana@lavin-law.com</a>

March 9, 2011

**Via Facsimile (585) 613-4085**

Hon. Marian W. Payson  
Magistrate Judge, U.S. District Court  
Western District of New York  
100 State Street  
Rochester, NY 14614

RE: Porton Capital, Inc. v. Kummeth  
Civil Case No. 6:11-mc-06002-DGL-MWP

**RECEIVED**

**MAR - 9 2011**

**MARIAN W. PAYSON**  
U.S. Magistrate Judge  
Western District of New York

Dear Judge Payson:

Charles Kummeth, 3M Company and 3M UK Holdings Limited (collectively "Movants") respectfully withdraw their Motion to Quash, which is scheduled for hearing before this Court on Friday, March 11, 2011 at 10:30 a.m. The basis for the withdrawal is an agreement between counsel for Porton Capital and Counsel for all Movants, which resolves the issues in dispute. However, Movants reserve the right to renew the motion in the event that the issues raised in the motion do not resolve as currently anticipated.

Thanks to you and your staff for your courtesy and kind consideration in this matter.

Respectfully,

  
Bernadette Weaver-Catalana

BWC/jlv

cc: Matthew M. Leland, Esq.  
Michael P. Socarras, Esq.  
(via facsimile (202) 756-8087)

Robert D. Leary, Esq.  
(via facsimile (716) 853-0265)

Paul B. Klaas, Esq.  
Theresa M. Bevilacqua, Esq.  
(via facsimile (612) 340-8856)